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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,552	03/20/2006	Max Daniel Woodhams	URQU.P-018	3865
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Marina Larson & Associates, LLC			EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,552

Applicant(s)

WOODHAMS, MAX DANIEL

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7 and 11-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 7 and 11-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. Claims 1-11 and 14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 6 and the limitation "a palm contacting surface the which forms a substantial extension the upper surface" renders the claims indefinite, as the claim discusses two arm rests, both with upper surfaces, and the limitation fails to indicate whether one or both of the upper armrest surfaces are being further limited. It is also a vague and indefinite term, as the phrase "forms a substantial extension" fails to specify any specific structure and can be interpreted in various manners. Claim 14 has a similar vague limitation.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirement of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 7, 10 and 14, as best understood, are rejected under 35 U.S.C. § 102(e) as being anticipated by Titchener. Titchener shows a stairlift chair including a pair of armrests (36a, 36b), each of the armrests having an upper surface; and a control interface (88) mounted on one of the armrests and being displaceable with respect to the armrest to effect movement of a stairlift on which the stairlift chair is mounted, wherein the control interface is, in normal use, angled upwardly out of the plane of the upper surface of the armrest to which the interface is attached (a 90 degree angle or less as activating the interface would have it in *normal use*), and has a palm contacting surface (the rod and the ball of the joystick) which forms a substantial extension the upper surface.

The control interface (38) is pivotable with respect to the armrest about a substantially vertical axis, as recited in claim 2, and is arranged to avoid point loading on a user's palm when in use, as recited in claim 3.

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6. Claim 1, as best understood, is rejected under 35 U.S.C. § 102(c) as being anticipated by Hester et al. Hester et al shows a stairlift chair including a pair of armrests (7), each of the armrests having an upper surface; and a control interface (8) mounted on one of the armrests and being displaceable with respect to the armrest to effect movement of a stairlift on which the stairlift chair is mounted, wherein the control interface is, in normal use, angled upwardly out of the plane of the upper surface of the armrest to which the interface is attached, and has a palm contacting surface (the rod and the ball of the joystick 8) which forms a substantial extension the upper surface.

7. Claims 1-5, 7 and 10-14, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Voves et al. Voves et al shows a stairlift chair including a pair of armrests (44), each of the armrests having an upper surface; and a control interface (buttons 170) mounted on one of the armrests and being displaceable with respect to the armrest to effect movement of a stairlift on which the stairlift chair is mounted, wherein the control interface is, in normal use (entering and exiting the chair is considered as normal use), angled upwardly out of the plane of the upper surface of the armrest to which the interface is attached, and has a palm contacting surface (on 46) which forms a substantial extension the upper surface (of 44). The control interface is pivotable with respect to the armrest about a substantially vertical axis, see figure 8, as recited in claim 2, and avoids point loading on a user's palm when in use, as recited in claim 3. The support of the interface (46) has a substantially planar upper surface and side surfaces aligned substantially perpendicularly to the upper surface of the armrest (44), at times, as recited in claim 4. The buttons of the control interface move longitudinally with respect to the armrest (44), as recited in claim 5. The control interface has smooth side surfaces, on its support (46), as recited in claim 10, and surfaces which can contact 50% of the user's palm, as recited in claim 11. When considering claim 12, Voves et al has an interface (forward portion 46) with body member formed in two parts (46 and the fixed portion of its pivot mounting) which are displaceable with respect to one another such that, in a first configuration of said two parts, said control interface is inactive. The movement of the body parts can be seen and felt, as recited in claim 13.

8. Claim 15 is rejected under 35 U.S.C. § 102(c) as being anticipated by Muranaka. Muranaka shows a stairlift assembly including: a rail (3); a carriage (7) mounted for movement along the rail; drive means (14) within the carriage for driving the carriage along said rail; a chair (4) mounted on the carriage; and at least one hand operated control (5) whereby an occupant of the chair can control the operation of the drive means, the stairlift assembly being characterized in that a sensor (23) is provided to sense when a user is occupying the chair, the sensor being further operable to isolate and energize the hand operated control.

9. Applicant's remarks in the amendment filed January 4, 2008, state the filing date of Titchener is not prior to the applicant's earliest priority date of July 28, 2003. However the document with the 2003 filing date differs in content from the present application. It appears as though the only common subject matter is found in claim 15 and the rejection of that claim has been withdrawn. Applicant also argues that Voves et al does not have an interface which is angled upwards with respect to the arm rest and displaceable to effect movement of the lift. However

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figure 1 clearly shows interface buttons for displaceable control switches (170) mounted on forward portions (46) angled upwards with respect to arm rests (44). The pivotal movements of the interface are not claimed as the actuating movements. The remaining remarks in the amendment have been considered but are deemed moot in view of the above new rejections. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Mr. Peter Cuomo, can be reached at (571) 272-6856. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thomas J. Brahan/
Primary Examiner, Art Unit 3654